

Testimony

House Bill 1279

House Political Subdivisions Committee

Thursday, January 20, 2005; 2 p.m.

North Dakota Department of Health

Good afternoon, Chairman Devlin and members of the House Political Subdivisions Committee. My name is David Glatt, and I am section chief of the Environmental Health Section for the North Dakota Department of Health. I am here today to testify in support of House Bill 1279.

House Bill 1279 addresses a long-standing environmental and financial issue facing many lending institutions and landowners in the state. The issue is whether landowners should be responsible or liable for any cleanup of environmental contamination on real property if they did not contribute to the contamination or cause it to occur.

At the present time, the Department of Health has no option but to require existing landowners, regardless of their involvement with the contamination, to be responsible for any potential cleanup of the contamination. Although the department has tried to ease the burden as much as possible, landowners can still be liable for contamination they did not create, resulting in property that is difficult, if not impossible, to sell; property that is abandoned and turned over to a political subdivision for back taxes; or the inability of existing landowners to secure loans for property upgrades.

House Bill 1279 provides the authority and identifies a process for the department to issue regulatory assurance or exemptions from future environmental regulatory action to interested landowners. Through a process that is identified in this bill and that could be further clarified in rules, the department will determine the extent of environmental contamination through the evaluation of site assessments; establish and implement covenants or institutional controls with private landowners or political subdivisions; and solicit public involvement. In addition, the department may require potential environmental insurance or financial assurances. It is a similar process that many other states have identified in law and have made available to existing or potential landowners of contaminated property in an effort to keep property liquid, encourage investment and return property to the tax roles.

House Bill 1279 also provides the department the authority to develop rules, assess fees, and spend the funds for administration of remediation activities.

This concludes my testimony. I am happy to answer any questions you may have.